

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
11669.144USC1	530	388220	M. BRANNOCK	1646

**CERTIFICATE UNDER 37 CFR 1.10:**

"Express Mail" mailing label number: EV 372668089 US  
Date of Deposit: March 29, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Name: Sheryl A. Boerboom

22859 U.S. PTO  
10/813646  
032904

CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/056,461, filed on April 7, 1998, which is a continuation-in-part of co-pending non-provisional application U.S. Serial No. 08/888,140 filed July 3, 1997, which claims priority to Serial No. 60/058,212 filed July 16, 1996 entitled MONOCLONAL ANTIBODIES TO TYPE I INTERFERON RECEPTOR by the following inventor(s):

Full Name Of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Mailing Address	Post Office Address	City	State & Zip Code/Country
Post Office Address	Post Office Address	City	State & Zip Code/Country
Full Name Of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Mailing Address	Post Office Address	City	State & Zip Code/Country
Post Office Address	Post Office Address	City	State & Zip Code/Country
Full Name Of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Mailing Address	Post Office Address	City	State & Zip Code/Country
Post Office Address	Post Office Address	City	State & Zip Code/Country

Full Name Of Inventor	Family Name LU	First Given Name JI	Second Given Name
Residence & Citizenship	City FREMONT	State or Foreign Country CALIFORNIA	Country of Citizenship CHINA
Mailing Address	Post Office Address 36107 SAN PEDRO DRIVE	City FREMONT	State & Zip Code/Country CALIFORNIA 94536/USA
Post Office Address	Post Office Address 1 DNA WAY	City SOUTH SAN FRANCISCO	State & Zip Code/Country CALIFORNIA 94080/USA

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 111 pages of specification, 10 claims, 1 page of abstract, 12 sheets of drawings, and 3 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☐ Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

**CLAIMS AS FILED**

NUMBER FILED	NUMBER EXTRA		RATE	FEE
<b>TOTAL CLAIMS:</b> 10 -20	0	x	\$18.00	0.00
<b>INDEPENDENT CLAIMS</b> 1 -3	0	x	\$86.00	0.00
			<b>BASIC FILING FEE:</b>	<b>\$770.00</b>
			<b>TOTAL FILING FEE:</b>	<b>770.00</b>

☐ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:  
☐ Attached is a check in the amount of  
☐ Please charge Deposit Account No. 13-2725.  
☒ **PAYMENT OF THE FILING FEE IS BEING DEFERRED.**
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☒ Amend the specification by inserting before the first line of the first page the paragraph:

"This application is a continuation of application Serial No. 09/056,461, filed April 7, 1998, which is a continuation-in-part of co-pending non-provisional application U.S. Serial No. 08/888,140 filed July 3, 1997, which claims priority to Serial No. 60/058,212 filed July 16, 1996, which application(s) are incorporated herein by reference."


7. ☐ A set of formal drawings ( sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to Genentech, Inc. located at 1 DNA Way, South San Francisco, California 94080.
10. ☒ The Power of Attorney in the prior application is to:
- Merchant & Gould P.C.  
Minneapolis, MN 55402-2215
11. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☐ Fee for excess claims is attached.
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☒ Also Enclosed: Copy of Certificate Regarding Sequence Listing
16. ☒ Address all future communications to the **Attention of Katherine M. Kowalchyk** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300



Date: March 29, 2004

  
Katherine M. Kowalchyk  
Reg. No. 36,848  
KKowalchyk:sab